IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.75894-M of 2006

DATE OF DECISION: MARCH 8, 2007

Parminder Singh

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.G.N.Malik, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

...

Petitioner Parminder Singh apprehending his arrest in a non-bailable offence in case FIR No.30 dated 21.3.2004 registered under Sections 18/61/85 of the NDPS Act at Police Station Dhanaula, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

While issuing notice of motion on December 4, 2006, the arrest of the petitioner was stayed subject to the condition that he will appear before the trial court and furnish his regular bail bonds to its satisfaction.

I have heard the counsel for the parties.

Counsel for the petitioner contends that the petitioner was on regular bail in the aforesaid case and was also regularly appearing. However, on 13.10.2006, the petitioner did not appear before the trial Court as he was ill and could not intimate this fact to his counsel. On that date, the bail bonds of the petitioner were cancelled and surety bonds were forfeited and he has been summoned through non bailable warrants. Counsel for the petitioner while referring to the medical certificate (Annexure P2) showing that on the date fixed the petitioner was ill, contends that non appearance of the petitioner on the said date was not intentional and deliberate.

Counsel for the petitioner contends that in terms of the interim

order dated December 4, 2006, the petitioner had appeared before the trial court and furnished his fresh bail bonds which have been accepted and attested and since then he is regularly appearing. Counsel for the respondent-State, on instructions from HC Bhim Singh, does not dispute these facts.

In view of the above facts, the interim order dated December 4, 2006 is made absolute.

Disposed of accordingly.

March 8, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE